

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE
STATE OF NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office APR 25 1968
 Returned to applicant for correction MAY 23 1968
 Corrected application filed MAY 29 1968 Map filed APR 25 1968

The applicant Nevada Fish and Game Commission
 of P. O. Box 10678, Reno, County of Washoe
 State of Nevada, hereby makes application for permission to change the
point of diversion, manner and place of use
 of water heretofore appropriated under Kingston Creek Decree 3073, Pg. 18, Proof of
Appropriation No. 02443, listed under name of Elven F. Beard and
 (Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)
Harriet I. Bear, since transferred to applicant.

- The source of water is Kingston Creek
(Name of stream, lake or other source.)
- The amount of water to be changed 0.82 second feet, 162.80 ac.ft./annum
(Second feet, acre feet.)
- The water to be used for wildlife propagation and recreation, reservoir storage
(If for stock state number and kind of animals.)
- The water heretofore used for Irrigation
(If for stock state number and kind of animals.)
- The water is to be diverted at the following point at a point in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20,
T16N., R43E., MDB&M., from which point the E $\frac{1}{4}$ cor. Sec. 20 of said
(Describe as being within a 40-acre subdivision of public survey and by course and distance to a section corner. If on unsurveyed land, it should be stated.)
township bears N. 83°41'E., 521.57 ft.
- The existing point of diversion is located within on the E. line SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 17, T16N.,
R43E., MDB&M., at a point from which the SE corner of Section 21, T16N.,
R43E., bears S. 44°34'48"E., 11,373.16 ft. This description obtained
(If point of diversion is not changed, do not answer.)
from Kingston Creek decree 3073, page 18.
- Proposed place of use within portions of SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17,
(Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.)
W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20, T16N., R43E., MDB&M.; 240 acres.
- Existing place of use 0.2 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, 7.4 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$,
(Describe by legal subdivisions. If presently used for irrigation, state number of acres irrigated.)
0.6 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, 1.7 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, 10.0 acres in the
SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17, 5.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 2.3 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$,
9.2 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 0.8 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20, 2.8 acres in
the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 0.7 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21, T16N., R43E., MDB&M., a
total of 40.7 acres.
- Use will be from January 1 to December 31 of each year.
(Month) (Month)
- Use has been from January 1 to December 31 of each year.
(Month) (Month)

11. Description of proposed works.

An earthfill dam 40 ft. high including freeboard with
(Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.)
emergency spillway provisions over the north abutment, riprapped on
(State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits.)
upstream face.

12. Estimated cost of works. \$130,000

13. Estimated time required to construct works six months

14. Remarks This water will be utilized to replace evaporation loss and
as make up water to maintain the level of the proposed reservoir.

Compared dc/jb dc/jb Applicant Nevada Fish and Game Commission
Pro. 8-8-68 by Young Bros. Livestock, Inc.
Pro. overruled 8-20-68, See By s/Frank W. Groves
Ruling 1100 Frank W. Groves, Director

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions: This permit to change the point of diversion, manner, and place of use of the waters of Kingston Creek as heretofore appropriated under Proof 02443 as appears in the Kingston Creek Decree 3073, page 18, is issued subject to the terms, conditions and irrigation period imposed in said decree and with the understanding that no other rights on the source will be affected by the proposed change herein.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.82 cubic feet per second but not to exceed 162.80 acre-feet per annum.

Actual construction work shall begin on or before April 28, 1969

Proof of commencement of work shall be filed before May 28, 1969

Work must be prosecuted with reasonable diligence and be completed on or before April 28, 1970

Proof of completion of work shall be filed before May 28, 1970

Application of water to beneficial use shall be made on or before April 28, 1973

Proof of the application of water to beneficial use shall be filed on or before May 28, 1973

Map in support of proof of beneficial use shall be filed on or before May 28, 1973

Commencement of work filed IN TESTIMONY WHEREOF, I, ROLAND D. WESTERGARD,
Completion of work filed State Engineer of Nevada, have hereunto set my hand and the seal of
Proof of beneficial use filed my office, this 28th day of October
Cultural map filed
Certificate No. Issued A.D. 1968
Recorded Bk. Page State Engineer

ABROGATED BY 24994